3 CF 1007

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 2734 /2003

Single Bench

PETITIONER : Koshal Prasad Patel,
aged about 48 years,
S/O Shri Shiv Dayal Patel
Assistant Veterinary Field Officer
Artificial Insemination
Sub-Centre, Village Kalmi
Block & Distt. Raigarh (C.G.)

P. R. No. 25/10/03
Presented by Shri P. K. Patel
dated 29/08/03

VERSUS

RESPONDENTS : 1) State of Chhattisgarh
Through : Secretary
Ministry Agricultral Veterinary
D.K.S. Bhawan, Raipur (C.G.)

2) Deputy Director
Veteniary Services, Raigarh (C.G.)

3) R.K. Arun,
Assistant Veteniary Filed Officer
Veteniary Dispensery,
Village Chimtapani,
Block - Gharghoda, Distt. Raigarh (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2734 of 2003

Petitioner: Koshal Prasad Patel

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Y. C. Sharma, Advocate for the petitioner.

Shri Alok Bakshi, Govt. Advocate for the Respondents No.1 and 2.

Shri H. S. Patel, Advocate for respondent No. 3.

ORAL ORDER

(8th February, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was working on the post of Assistant Veterinary Field Officer in Artificial Insemination Sub-Center, Kalmi, Block and District- Raigarh, where he was transferred and posted vide order dated 7.8.2003 (Annexure P/3) from Veterinary Hospital, Afreed, Block – Bamnideeh, District- Janjgir Champa. Subsequently by order dated 21.8.2003 (Annexure P/1) the earlier order dated 7.8.2003 was cancelled. This petition impugns the order dated 21.8.2003.

2. This Court by interim order dated 29.10.2003 stayed the impugned order and allowed the petitioner to continue on the same place of posting at Raigarh.

3. Learned counsel for the petitioner submits that by virtue of this court's order dated 29.10.2003, the petitioner has continued on the same old place of posting and the impugned order was never given effect to in respect of the petitioner. In fact the petitioner

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has got the final relief by interim order. The petitioner could not continue at one place forever. At this stage there is no question to go into the validity of the impugned order.

4. This petition has become infructuous with the passage of time. Accordingly the petition is dismissed as having become infructuous. However, respondents/authorities are at liberty to pass appropriate order for posting the petitioner in the public interest and administrative exigency, in accordance with law. It is expected that the respondents/authorities will not insist upon compliance of the impugned order dated 21.8.2003. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur